



UNITED STATES PATENT AND TRADEMARK OFFICE

OCT 19 2004

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/982,436	10/18/2001	Michael Putnam	PGI6044P0041US	6583

1942 7590 03/12/2003

ROCKEY, MILNAMOW & KATZ, LTD.
TWO PRUDENTIAL PLAZA, STE. 4700
180 NORTH STETSON AVENUE
CHICAGO, IL 60601

EXAMINER

COLE, ELIZABETH M

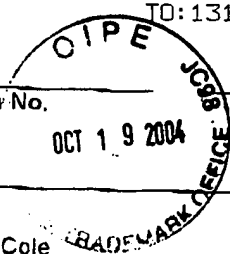
ART UNIT	PAPER NUMBER
----------	--------------

1771

DATE MAILED: 03/12/2003

1ST OA 6/12/03
9/12/03

Please find below and/or attached an Office communication concerning this application or proceeding.



#S-4

Office Action Summary

Application No.

09/982,436

OCT 19 2004

Applicant(s)

PUTNAM ET AL.

Examiner

Elizabeth M Cole

Art Unit

1771

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 November 2001.
- 2a) ☐ This action is FINAL.
- 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

1. Claim 12 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 12, it is not clear what is meant by a "web which bonded no more than a minimum tensile strength". Should this read "bonded to have no more ..." Appropriate correction is required.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 9-11 are rejected under 35 U.S.C. 102(b) as being anticipated by, or in the alternative, under 35 U.S.C. 103(a) as obvious over JP 10-140,458 to Yoshimura et al, (machine translation of the claims and detailed description provided, as well as corresponding U.S. Patent No. 6,080,466).

Yoshimura et al discloses a web of spunbond continuous filament fibers which are hydroentangled. The fibers may have a denier of 0.5-5, and a basis weight of 5-30 gsm. See paragraph 0012 of the detailed description. The fibers may be polyester fibers. See paragraph 0013. Yoshimura does not disclose the tensile strength of the web in the cross-direction. However, since Yoshimura teaches that same materials which is made by the same process, presumably the Yoshimura web nonwoven would inherently possess the claimed tensile strength, or in the alternative, it would have been obvious to have optimized the entanglement

parameters such as water pressure, number of water jets, line speed etc., in order to control the degree of entanglement and thus the strength of the nonwoven. See paragraph 0015. The degree of entanglement of a hydroentangled fabric is recognized as being related to the strength of the fabric and there is recognized in the art as a result effective variable.

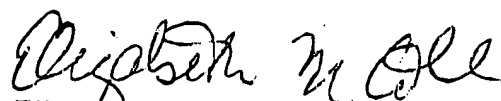
5. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshimura et al in view of Homonoff et al, U.S. Patent No. 5,151,320. Yoshimura et al discloses a hydroentangled spunbonded nonwoven fabric as set forth above. Yoshimura et al differs from the claimed invention because Yoshimura et al does not teach minimally prebonding the spunbonded fabric. Homonoff et al teaches that spunbonded webs which are to be hydroentangled may be lightly prebonded. See col. 3, lines 45-57. Prebonding is performed in the art in order to give the fabric sufficient integrity to be handled. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have prebonded the web of Yoshimura et al before it is hydroentangled. One of ordinary skill in the art would have been motivated to prebond the Yoshimura et al web in order to enable the web to be more easily handled as taught by Homonoff et al.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elizabeth M. Colc whose telephone number is (703) 308-0037. The examiner may be reached between 6:30 AM and 5:00 PM Monday through Thursday.

Mr. Terrel Morris, the examiner's supervisor, may be reached at (703) 308-2414.

Inquiries of a general nature may be directed to the Group Receptionist whose telephone number is (703) 308-0661.

The fax number for official faxes is (703) 872-9310. The fax number for official after final faxes is (703) 872-9311. The fax number for unofficial faxes is (703) 305-5436.

A handwritten signature in black ink, appearing to read "Elizabeth M. Cole".

Elizabeth M. Cole
Primary Examiner
Art Unit 1771

e.m.c
March 6, 2003